

## CHAPTER 11-55 APPENDIX A

### DEPARTMENT OF HEALTH STANDARD GENERAL PERMIT CONDITIONS

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Note: All references to Title 40 of the Code of Federal Regulations (40 CFR) are to regulations that are in effect on July 1, 1996, unless otherwise specified. The Clean Water Act (Act) is also known as the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, and appears at 33 U.S.C §§1251 to 1387.

The permittee shall comply with the following standard conditions.

1. Basic water quality criteria (section 11-54-04(a))

The permittee shall not cause a violation of the basic water quality criteria which state:

- (a) All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including:
  - (1) Materials that will settle to form objectionable sludge or bottom deposits;
  - (2) Floating debris, oil, grease, scum, or other floating materials;
  - (3) Substances in amounts sufficient to produce taste or odor in the water or detectable off flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity, or other conditions in the receiving state waters;
  - (4) High temperatures; biocides; pathogenic

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organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combination sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water;

- (5) Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and
- (6) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands.

(b) The effluent shall meet the basic requirements of section 11-54-04(b)(4).

### 2. Onshore or offshore construction

The applicable general permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any state waters.

### 3. Sampling requirements and definitions

#### (a) Sampling Points

All samples shall be taken at the monitoring points specified in the applicable general permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water, or substance. Monitoring points shall not be changed without notification to and the approval of the director. No discharge is authorized which does not totally pass

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through the final monitoring point.

### (b) Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than plus or minus ten per cent from the true discharge rates throughout the range of expected discharge volumes. Once-through condenser cooling water flow which is monitored by pump logs or pump hour meters as specified in the applicable general permit based on the manufacturer's pump curves shall not be subject to this requirement. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

- (1) "A Guide of Methods and Standards for the Measurement of Water Flow," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD catalog No. C13.10:421.)
- (2) "Water Measurement Manual," U.S. Department of Interior, Bureau of Reclamation, Second Edition, Revised Reprint, 1974, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by

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catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.)

- (3) "Flow Measurement in Open Channels and Closed Conduits," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS), Springfield, VA 22151. Order by NTIS No. PB-273 535/5ST.)
- (4) "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-77, September 1981, 135 pp. (Available from the General Services Administration (8BRC), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.)

### (c) Calibration

The permittee shall periodically calibrate and perform maintenance on all monitoring and analytical equipment used to monitor the pollutants discharged under the applicable general permit, at intervals which will ensure the accuracy of measurements, but no less than the manufacturer's recommended intervals or six-month intervals (whichever comes first). Records of calibration shall be kept pursuant to section 14.

### (d) pH Effluent Limitations Under Continuous Monitoring

If the permittee continuously measures the pH of the effluent pursuant to a requirement or option in the applicable general permit, excursions from the range provided in the

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general permit or as specified in chapter 11-54 are permitted, provided:

- (1) The pH limitation in the general permit is based upon a requirement imposed under 40 CFR Subchapter N, Effluent Guidelines and Standards;
- (2) The total time during which the pH values are outside the required range of pH values shall not exceed four hundred forty-six minutes in any calendar month;
- (3) No individual excursions from the range of pH values shall exceed sixty minutes; and
- (4) For purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value of the effluent exceeds the range set forth in the applicable general permit. The number of individual excursions exceeding sixty minutes and the total accumulated excursion time in minutes occurring in any calendar month shall be reported in accordance with the applicable general permit.

### (e) Average

As used in the applicable general permit, unless otherwise stated, the term "average" means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For fecal coliform, enterococcus, or *clostridium perfringens*, the "average" shall be the geometric mean. For total coliform, the "average" shall be the median.

### (f) Mass/Day Measurements

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- (1) The "daily discharge" is the total mass (weight) of a pollutant discharged during a calendar day. The daily discharge shall be determined by using the following equations:

$$\text{Daily Discharge(lbs/day)} = 8.34 \times Q \times C;$$

$$\text{Daily Discharge(kg/day)} = 3.785 \times Q \times C;$$

and

where "C" (in mg/l) is the measured daily concentration of the pollutant and "Q" (in million gallons per day) is the measured effluent flow rate for the same calendar day.

If only one sample is taken during any calendar day, the mass (weight) of pollutant discharged that is calculated from it is the "daily discharge."

- (2) The "average monthly discharge" is defined as the total mass of all daily discharges sampled or measured or both during a calendar month on which daily discharges are sampled and measured, divided by the number of daily discharges sampled or measured or both during such month. It is, therefore, an arithmetic mean found by adding the weights of the pollutant found each day of the month and then dividing this sum by the number of days. This limitation is identified as "Monthly Average" in the applicable general permit and the average monthly discharge value is reported in the "Average" column under "Quantity" on the discharge monitoring report form.
- (3) The "average weekly discharge" is defined as the total mass of all daily

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discharges sampled or measured or both during the calendar week in which daily discharges are sampled or measured or both. It is, therefore, an arithmetic mean found by adding the weights of pollutants found each day of the week and then dividing this sum by the number of days. This limitation is identified as "Weekly Average" in the applicable general permit and the average weekly discharge value is reported in the "Maximum" column under "Quantity" on the discharge monitoring report form.

- (4) The "maximum daily discharge" is the highest daily discharge value recorded, sampled, or measured during the reporting period. This limitation is identified as "Daily Maximum" in the applicable general permit and the maximum daily discharge value is reported in the "Maximum" column under "Quantity" on the discharge monitoring report form.

### (g) Concentration Measurements

- (1) The "daily concentration" is the concentration of a pollutant discharged during a calendar day. It is equal to the concentration of a composite sample or in the case of grab samples, it is the arithmetic mean (weighted by flow value) of all samples collected during that calendar day. If only one sample is taken during any calendar day, it represents the "daily concentration."
- (2) The "average monthly concentration," other than for fecal coliform, enterococcus, *clostridium perfringens*, or total coliform, is the sum of the daily concentrations sampled or measured

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or both divided by the number of daily discharges sampled or measured or both during such month (arithmetic mean of the daily concentration values). The average monthly count for fecal coliform, enterococcus, or *clostridium perfringens* is the geometric mean of the counts for samples collected during a calendar month. The average monthly count for total coliform is the median of the counts for samples collected (not less than five discrete samples) during a calendar month. This limitation is identified as "Monthly Average" or "Daily Average" under "Other Limits" in the applicable general permit and the average monthly concentration value is reported under the "Average" column under "Quality" on the discharge monitoring report form.

- (3) The "average weekly concentration," other than for fecal coliform, enterococcus, or *clostridium perfringens*, or total coliform, is the sum of the concentrations of all daily discharges sampled or measured or both during a calendar week on which daily discharges are sampled and measured divided by the number of daily discharges sampled or measured or both during such week (arithmetic mean of the daily concentration values). The average weekly count for fecal coliform, enterococcus, or *clostridium perfringens* is the geometric mean of the counts for samples collected during a calendar week. The average weekly count for total coliform is the median of the counts for samples collected during a calendar week. This limitation is identified as "Weekly Average" under "Other Limits" in the applicable general

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permit and the average weekly concentration value is reported under the "Maximum" column under "Quality" on the discharge monitoring report form.

- (4) The "maximum daily concentration" is the highest daily concentration value recorded, sampled, or measured during the reporting period. This limitation identified as "Daily Maximum" under "Other Limits" in the applicable general permit and the maximum daily concentration is reported under the "Maximum" column under "Quality" on the discharge monitoring report form.
- (h) The effluent flow expressed as cubic meters per day or million gallons per day (MGD), is the 24-hour average flow averaged monthly. It is the arithmetic mean of the total daily flows recorded during the calendar month. Where monitoring requirements for flow are specified in the applicable general permit, the flow rate values are reported in the "Average" column under "Quantity" on the discharge monitoring report form.
- (1) An "instantaneous flow measurement" is a measure of flow taken at the time of sampling, when both the sample and flow will be representative of the total discharge.
- (2) Where monitoring requirements for pH, dissolved oxygen or fecal coliform, enterococcus, or *clostridium perfringens* are specified in the applicable general permit, the values are generally reported in the "Quality or Concentration" column on the discharge monitoring report form.
- (i) The "arithmetic mean" of any set of values is

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the summation of the individual values divided by the number of individual values.

- (j) The "geometric mean" of any set of values is the Nth root of the product of the individual values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero shall be considered to be one.
- (k) "Weighted by flow value" means the summation of each concentration times its respective flow divided by the summation of the respective flows.
- (l) The "median" of any set of ordered values is the value below and above which there is an equal number of values or which is the arithmetic mean of the two middle values if there is no one middle number.
- (m) A calendar day is defined as the period from midnight of one day until midnight of the next day. However, for the purposes of the applicable general permit, any consecutive 24-hour period that reasonably represents the calendar day may be used for sampling.
- (n) "Removal efficiency" is the ratio of pollutants removed by the treatment unit to pollutants entering the treatment unit. Removal efficiencies of a treatment plant shall be determined using the average monthly concentrations (C, in mg/l) of influent and effluent samples collected about the same time and the following equation (or its equivalent):

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$$\text{Removal Efficiency} = 100 \times \left(1 - \frac{C_{\text{effluent}}}{C_{\text{influent}}}\right) \\ \text{(per cent)}$$

4. Duty to reapply

If the permittee wishes to continue an activity regulated by the applicable general permit after the expiration of the notice of general permit coverage or in the case of automatic coverage, the expiration of the general permit itself, the permittee shall follow the procedures as specified in sections 11-55-34.08 and 11-55-34.09.

5. Applications (comply with 40 CFR §122.22)

6. Duty to comply (comply with 40 CFR §122.41(a))

7. Need to halt or reduce activity not a defense (comply with 40 CFR §122.41(c))

8. Duty to mitigate (based in part on 40 CFR §122.41(d))

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the applicable general permit or applicable law.

9. Proper operation and maintenance (comply with 40 CFR §122.41(e))

10. Permit actions (comply with 40 CFR §122.41(f))

11. Property rights (comply with 40 CFR §122.41(g))

12. Duty to provide information (comply with 40 CFR §122.41(h))

13. Inspection and entry (comply with 40 CFR §122.41(i))

14. Monitoring and records (based in part on 40 CFR

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§122.41(j))

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

As used in this section, a representative sample means that the content of the sample shall:

- (1) Be identical to the content of the substance sampled at the time of the sampling;
- (2) Accurately represent the monitored item (for example, sampling to monitor final effluent quality shall accurately represent that quality, even though the sampling is done upstream of the discharge point); and
- (3) Accurately represent the monitored item for the monitored time period (for example, sampling to represent monthly average effluent flows shall be taken at times and on days that cover significant variations). Representative sampling may include weekends and storm events and may mean taking more samples than the minimum number specified elsewhere in the applicable general permit.

The burden of proving that sampling or monitoring is representative is on the permittee.

- (b) Except for records of monitoring information required by the applicable general permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), the permittee shall retain records of all

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monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the applicable general permit, and records of all data used to complete the application for the applicable general permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the director at any time.

- (c) Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements;
  - (2) The individual(s) who performed the sampling or measurements;
  - (3) The date(s) the analyses were performed;
  - (4) The individual(s) who performed the analyses;
  - (5) The analytical techniques or methods used; and
  - (6) The results of the analyses.
- (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the applicable general permit.
- (e) The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method

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required to be maintained by the applicable general permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both for a first conviction. For a second conviction, the person is subject to a fine of not more than \$20,000 per day of violation, or by imprisonment for not more than four years, or both. (Updated pursuant to the Water Quality Act of 1987)

15. Signatory requirement (comply with 40 CFR §122.41(k))
16. Reporting requirements (comply with 40 CFR §122.41(l))
17. Bypass (based in part on 40 CFR §122.41(m))
  - (a) Definitions
    - (1) "Bypass" means the intentional diversion of any waste streams from any portion of a treatment facility.
    - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - (b) Prohibition of bypass. Every bypass is prohibited, and the director may take enforcement action against a permittee for bypass, except as provided in section 17(c).
  - (c) Exceptions to bypass prohibition

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- (1) Bypass not exceeding limitations. A bypass is allowable under this paragraph only if it does not cause any effluent limitation to be exceeded, and only if the bypass is necessary for essential maintenance to assure efficient operation.
- (2) Bypass unavoidable to prevent specified harm. A bypass is allowable under this paragraph if,
  - (A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (C) The permittee submitted notices as required under section 17(d).
- (3) Approved anticipated bypass. An anticipated bypass is allowable if the director approves it. The director shall approve the anticipated bypass only if the director receives information sufficient to show compliance with section 17(c)(2), including information on the potential adverse effects with and without the

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bypass, and information on the search for and the availability of alternatives, whether the permittee ultimately considers the alternatives feasible or not.

(d) Notice

- (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, the permittee shall submit prior notice, if possible at least ten days before the date of the bypass.
  - (2) Unanticipated bypass. The permittee shall report unanticipated bypasses.
    - (A) Reports required by the reporting requirements of the applicable general permit shall be made in accordance with that section. If the permittee questions whether the reporting requirements of the applicable general permit applies, it shall follow the reporting requirements of the applicable general permit;
    - (B) For all other bypasses, reports shall be made orally within twenty-four hours from the time the permittee becomes aware of the bypass. Written reports may be required on a case-by-case basis.
- (e) Burden of proof. In any enforcement proceeding the party seeking to establish that any exception to the bypass prohibition applies has the burden of proof. Proof that effluent limitations were met requires effluent monitoring during the bypass.

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### 18. Upset (based in part on 40 CFR §122.41(n))

- (a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with the technology based permit effluent limitations if the requirements of section 18(c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated;
  - (3) The permittee submitted within twenty-four hours a notice of any upset which exceeded any effluent limitation in the applicable general permit; and

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- (4) The permittee complied with any remedial measures required under 40 CFR §122.41(d).
- d. Burden of proof. In any enforcement proceeding, any person seeking to establish the occurrence of an upset has the burden of proof.
- 19. Existing manufacturing, commercial, mining, and silvicultural dischargers (comply with 40 CFR §122.42(a))
- 20. Publicly owned treatment works (comply with 40 CFR §122.42(b))
- 21. Reopener clause (comply with 40 CFR §122.44(c) and 40 CFR §125.123(d)(4))
- 22. Privately owned treatment works (The following conditions were established by EPA Region 9 to enforce applicable requirements of the Resource Conservation and Recovery Act and 40 CFR §122.44(m))

This section applies only to privately owned treatment works as defined at 40 CFR §122.2.

- (a) Materials authorized to be disposed of into the privately owned treatment works and collection system are typical domestic sewage. Unauthorized materials are hazardous waste (as defined at 40 CFR Part 261), motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, industrial wastes, or other materials not generally associated with toilet flushing or personal hygiene, laundry, or food preparation, unless specifically listed under "Authorized Non-domestic Sewer Dischargers" elsewhere in the applicable general permit. The Domestic Sewage Exclusion (40 CFR §261.4) does not apply to hazardous wastes mixed with domestic

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sewage in a sewer leading to a privately owned treatment works.

- (b) It is the permittee's responsibility to inform users of the privately owned treatment works and collection system of the prohibition against unauthorized materials and to ensure compliance with the prohibition. The permittee must have the authority and capability to sample all discharges to the collection system, including any from septic haulers or other unsewered dischargers, and shall take and analyze such samples for conventional, toxic, or hazardous pollutants when instructed by the permitting authority or by an EPA or state inspector. The permittee must provide adequate security to prevent unauthorized discharges to the collection system.
- (c) Should a user of the privately owned treatment works desire authorization to discharge non-domestic wastes, the permittee shall submit a request for permit modification and an application, pursuant to 40 CFR §122.44(m), describing the proposed discharge. The application shall, to the extent possible, be submitted using forms provided by the Administrator, unless another format is requested by the permitting authority. If the privately owned treatment works or collection system user is different from the permittee, and the permittee agrees to allow the non-domestic discharge, the user shall submit the application and the permittee shall submit the applicable general permit modification request. The application and request for modification shall be submitted at least six months before authorization to discharge non-domestic wastes to the privately owned treatment works or collection system is desired.

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23. Transfers by modification (comply with 40 CFR §122.61(a))
24. Automatic transfers (comply with 40 CFR §122.61(b) and section 11-55-34.08(i)(2))
25. Minor modification of permits (comply with 40 CFR §122.63)
26. Termination of permits (comply with 40 CFR §122.64)
27. Removed substances (Pursuant to Sections 301 and 405 of the Act and 40 CFR §125.3(g))

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner which prevents any pollutant from the materials from entering state waters.

28. Availability of reports (Pursuant to Section 308 of the Act)

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of the applicable general permit shall be available for public inspection at the offices of the director. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

29. Civil and criminal liability (Pursuant to Section 309 of the Act)

Except as provided in the applicable general permit conditions on "Bypass" (section 17) and "Upset" (section 18), nothing in the applicable general permit shall be construed to relieve the permittee from civil or criminal penalties or remedies for noncompliance.

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30. Oil and hazardous substance liability (Pursuant to Section 311 of the Act)

Nothing in the applicable general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

31. Federal facility construction (Pursuant to Section 313(b) of the Act)

Construction shall not be initiated for facilities for treatment of wastewater at any federal property or facility if alternative methods for wastewater treatment at the property or facility utilizing innovative treatment processes and techniques, including, but not limited to, methods utilizing recycle and reuse techniques and land treatment are not utilized, unless the life cycle cost of the alternative treatment works exceeds the life cycle cost of the most effective alternative by more than fifteen per cent.

32. State law (Pursuant to Section 510 of the Act)

Nothing in the applicable general permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

33. Severability (Pursuant to Section 512 of the Act)

The provisions of the applicable general permit are severable and if any provision of the applicable general permit, or the application of any provision of the applicable general permit to any circumstance, is held invalid, the application of the provision to other circumstances, and the remainder of the applicable general permit, shall

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not be affected thereby.

34. Notice of Intent Requirements (comply with section 11-55-34.08)

The following information shall be included in the notice of intent (NOI):

- (a) The legal name(s), street address, contact person's name and position title, and telephone and fax numbers of the owner and operator and duly authorized representative, if applicable.

For a construction activity, the operator is usually the general contractor. In this case, the general contractor's legal name, street address, contact person's name and position title, and telephone and fax numbers shall be submitted to the director with the NOI or thirty days before the start of construction activities.;

- (b) The ownership status as federal, state, private, public or other entity;
- (c) The name, street address, island, tax map key number(s), contact person's name and position title, and telephone and fax numbers of the facility or project for which the NOI is submitted;
- (d) The name(s) of the receiving state water(s) that the effluent enters or will enter, the latitude and longitude of each outfall or discharge point to the nearest receiving state water(s) or separate storm water drainage system, and the classification of the receiving state water(s).

If the effluent initially enters a separate storm water drainage system, provide the following information:

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- (1) The name of the owner of the drainage system;
  - (2) The name of the receiving state water into which the drainage system discharges; and
  - (3) A copy of the permit, license, or equivalent written approval for the connection granted by the owner(s) of the drainage system.
- (e) The type of general permit required for the proposed discharge;
- (f) The quantity of effluent; the source of the effluent; and the period of discharge, i.e. continuous, seasonal, occasional, or emergency;
- (g) A topographic map or maps of the area on 8-1/2 by 11 inches sized paper extending at least one mile beyond the property boundaries of the site which clearly show the following:
- (1) The legal boundaries of the site;
  - (2) The location and an identification number for each of the site's existing and proposed intake and discharge structures.

If the intake or discharge structure associated with the site is located less than one mile from the construction site or treatment system(s) or control device(s) associated with the site(s), show it on the map. If not, attach additional sheets describing the location of the structure or disposal site and identify it on a 7-1/2 minute series U.S. Geological Survey or other map corresponding to the location. If a

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7-1/2 minute series map has not been published for the site, then use a 15 minute series map from the U.S. Geological Survey. If neither a 7-1/2 nor 15 minute series map has been published for the site, use a plat map or other appropriate map, including all of the required information; and

- (3) The receiving state water(s) or receiving storm water drainage system(s) identified and labeled.
- (h) A flow chart or line drawing showing the general route taken by water in the site from intake to discharge. Show any treatment system(s) or erosion control(s) used or to be used for new discharges. The flow contributed by each source may be estimated if no data is available; and
- (i) A list of existing or pending environmental permits and corresponding file numbers.

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### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITIES

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers discharges composed entirely of storm water runoff associated with industrial activity, as defined in 40 CFR §§122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Storm water discharges to a sanitary sewer system;
    - (2) Storm water discharges in categories for which storm water effluent limitation guidelines have been promulgated by the EPA;
    - (3) Storm water discharges associated with construction activities;
    - (4) Storm water discharges from industrial facilities which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval for the connection is granted by the owner(s) of the drainage system(s);

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- (5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of industrial activity;
  - (6) Storm water discharges from municipal separate storm water drainage systems;
  - (7) Storm water discharges the director finds more appropriately regulated under an individual permit; and
  - (8) Storm water discharges where the circumstances have changed since the time of the request to be covered so that the permittee is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
- (d) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

### 2. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
  - (1) Five years after the effective date of this general permit;

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- (2) When the notice of general permit coverage specifies; or
- (3) When amendments to section 11-55-34.02 are adopted,

whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 3. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage (NGPC).
- (b) The following information shall be included in the NOI:
  - (1) Information required in section 34 of appendix A of chapter 11-55.
  - (2) A list of up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities of the facility;
  - (3) Existing quantitative and qualitative data which describe the concentrations of pollutants in storm water discharges. In cases when this data is not available at the time of NOI submission due to lack of representative rainfall event for sampling, the permittee shall monitor the next representative rainfall event and submit the data to the director of health within thirty days of the sampling;
  - (4) A facility site map;

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- (5) For a proposed facility, a storm water pollution control plan, which meets the applicable requirements as specified in sections 5 or 6 or both of this general permit, shall be submitted to the director within one hundred twenty days after the issuance of the NGPC or applicant claimed automatic coverage as specified in section 11-55-34.09(e)(2).

An existing facility shall submit its existing or updated storm water pollution control plan, which meets the applicable requirements as specified in sections 5 or 6 or both of this general permit, with the NOI. An existing facility shall continue to implement its storm water pollution control plan.

- (c) The director may require additional information to be submitted.
- (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Special Conditions for Storm Water Pollution Control Plan

- (a) The permittee shall develop and implement a

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storm water pollution control plan to minimize the discharge of pollutants in storm water runoff and to maintain compliance with conditions of this general permit. The storm water pollution control plan shall identify:

- (1) Pollutants potentially present in storm water;
  - (2) Pollutant sources (including but not limited to the identification of non-storm water sources connected to the storm drainage system);
  - (3) Storm water outfalls and monitoring points;
  - (4) Monitoring procedures (including quality assurance and quality control (QA/QC) procedures);
  - (5) Pollutant control procedures;
  - (6) Spill prevention and response procedures;
  - (7) Existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three years before the submittal of this application; and
  - (8) Any discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR §110.6 at anytime since November 16, 1987.
- (b) The storm water pollution control plan shall be maintained by the permittee on the site or at a nearby office.

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- (c) The operator of the facility or activity shall conduct facility inspections as specified in the September 29, 1995 Federal Register, Vol. 60, No. 189, pp. 50804-51319, to ensure that the storm water pollution control plan remains effective. Otherwise, the operator of the facility or activity shall conduct facility inspections at least semi-annually. The permittee shall maintain a record of:
  - (1) When inspections are conducted,
  - (2) The findings of the inspections, and
  - (3) Any corrective actions taken.
- (d) The storm water pollution control plan shall be reviewed and updated by the permittee as often as needed or as required by the director. The permittee shall report any changes to the plan to the director within thirty days of when the changes arise. The permittee shall maintain documentation of all changes made to the plan. The plan and all accompanying records, reports, and changes, shall be retained for a period of at least three years after the expiration of this general permit.
- (e) At a minimum, following items shall be incorporated into the storm water pollution control plan:
  - (1) A site map identifying drainage and discharge structures; an outline of the drainage area of each storm water outfall; paved areas and buildings and other ground cover within those drainage areas; each past or present area for outdoor storage or disposal of significant materials; each past or present area of a significant spill (as

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identified in sections 5(a)(7) and 5(a)(8) of this general permit); structural measures for the control of storm water; material loading and access areas; where pesticides, herbicides, soil conditioners and fertilizers are applied; hazardous waste storage or disposal areas; underground injection wells; and the nearest receiving state water(s);

- (2) A pollutant control strategy identifying potential pollution sources and control strategies used to minimize the discharge of pollutants. The strategy shall consider the use of containment structures, covering materials by roof or tarpaulin, preventive maintenance, good housekeeping, waste minimization, removal of exposed pollutants, and spill prevention practices;
- (3) A spill prevention and response plan that identifies facility personnel responsible for its implementation and conforms with the reporting requirements. Responsible personnel shall be available at all times when the facility is in operation;
- (4) A storm water monitoring plan that conforms to the requirements set forth in section 7 of this general permit. All storm water outfalls shall be identified and monitored, unless otherwise specified by the director. Where two or more outfalls are expected, based on the features and activities within the drainage areas, to convey substantially similar storm water effluent, the permittee may request to monitor only one of those outfalls. The director may approve such a request if

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the permittee demonstrates that the outfalls monitored are representative for the overall storm water discharges from the facility. The justification for the outfall sampling locations chosen shall be incorporated into the monitoring plan. The permittee shall sample for all potentially present pollutants as identified in the NOI; as listed in Federal Register, Vol. 60, No. 189, pp. 50804-51319, dated September 29, 1995; or the storm water pollution control plan. See section 7 for additional sampling requirements; and

- (5) Procedures for implementing and reviewing the plan including:
  - (A) An annual employee education or training program that ensures the plan will be efficiently implemented;
  - (B) A protocol for inspections that ensures the pollutant control strategy and the spill prevention and response plan are being effectively carried out; and
  - (C) Documentation procedures for all inspections and reviews required in the plan.
- (f) The storm water pollution control plan shall be modified as needed to comply with the conditions of the general permit or the notice of general permit coverage or as required by the director.

- 6. Additional Conditions for Facilities Subject to Superfund Amendments and Reauthorization Act (SARA) Section 313 Requirements.

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The storm water pollution control plan for facilities subject to reporting requirements under Superfund Amendments and Reauthorization Act of 1986, Title III, Section 313, 42 U.S.C. §11023 for chemicals which are classified as "Section 313 water priority chemicals" in accordance with the definition in section 6(d) shall describe and ensure the implementation of practices which are necessary to provide conformance with the following guidelines:

- (a) In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control or diversionary structures or both shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:
  - (1) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or
  - (2) Roofs, covers or other forms of protection to prevent storage piles from exposure to storm water and wind.
- (b) In addition to the minimum standards listed under section 6(a) above, the storm water pollution control plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution control procedures, and applicable state rules, regulations, and guidelines:
  - (1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals.

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- (A) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
  - (B) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan or other equivalent measures or both.
- (2) Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.
  - (3) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may

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include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; or other equivalent measures or any combination thereof.

- (4) Processing equipment and materials handling equipment in facility areas where Section 313 water priority chemicals are transferred, processed, or otherwise handled shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.
- (5) Discharges from areas covered by section 6(c)(1), 6(c)(2), 6(c)(3), or 6(c)(4).
  - (A) Drainage from areas covered by section 6(c)(1), 6(c)(2), 6(c)(3), or 6(c)(4) shall be restrained by valves or other positive means to prevent the discharge of a spill or

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other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, the units may be emptied by pumps or ejectors; however, these shall be manually activated.

- (B) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall, as far as is practical, be of manual, open-and-closed design.
  - (C) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
  - (D) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- (6) Other areas of the facility (those not addressed in section 6(c)(1), 6(c)(2), 6(c)(3), or 6(c)(4)), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

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- (7) All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge.
  - (A) Inspection shall include examination for leaks, areas affected by wind, corrosion, support or foundation failure, or other forms of deterioration or noncontainment.
  - (B) Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals.
  - (C) Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to state waters, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to state waters shall be immediately taken or the unit or process shut down until such action can be taken.
  - (D) When a leak or noncontainment of a Section 313 water priority chemical

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has occurred, contaminated soil, debris, or other material shall be promptly removed and disposed in accordance with federal, state, and local requirements and as described in the plan.

- (8) Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
- (9) Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility.
  - (A) Employee training shall be conducted at intervals specified in the plan, but not less than once a year, in matters of pollution laws and regulations, and in the storm water pollution control plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals.
  - (B) The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a

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discharge of a Section 313 water priority chemical can occur.

- (C) The contractor or temporary personnel shall be informed of plant operation and design features in order to prevent discharges or spills from occurring.
- (10) The storm water pollution control plan for a facility subject to Superfund Amendments and Reauthorization Act, Title III, Section 313 requirements for chemicals which are classified as "Section 313 water priority chemicals" shall be reviewed and certified by a licensed professional engineer. A licensed professional engineer shall recertify the plan every three years thereafter or as soon as practical after significant modifications are made to the facility. The licensed professional engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the storm water pollution control plan has been prepared in accordance with good engineering practices. The certification shall in no way relieve the permittee of a facility covered by the plan of their duty to prepare and fully implement the storm water pollution control plan.
- (d) "Section 313 water priority chemical" means a chemical or chemical categories which:
  - (1) Are listed at 40 CFR §372.65 pursuant to Section 313 of the Title III of the Superfund Amendments and Reauthorization Act of 1986 also titled the Emergency Planning and Community Right-to-Know Act;

## CHAPTER 11-55 APPENDIX B

- (2) Are present at or above threshold levels at a facility subject to Superfund Amendments and Reauthorization Act, Title III, Section 313 reporting requirements; and
- (3) Meet at least one of the following criteria:
  - (A) Are listed in Appendix D of 40 CFR §122 on either Table II (organic priority pollutants), Table III (certain metals, cyanide, and phenols) or Table V (certain toxic pollutants and hazardous substances);
  - (B) Are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the Act at 40 CFR §116.4; or
  - (C) Are pollutants for which the EPA has published acute or chronic water quality criteria.

### 7. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in Table 34.1. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

#### (1) Sampling Points

The permittee shall monitor the storm water outfalls, prior to mixing with receiving state water or entering separate storm water drainage systems, as identified in the storm water pollution control plan.

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### (2) Collection of Samples

- (A) Samples shall be collected from a discharge resulting from a representative storm as defined in section 11-55-01.
- (B) Samples and measurements taken for the purposes of monitoring shall be representative of the volume and nature of the total discharge.

### (3) Types of Samples

- (A) "Grab sample" means an individual sample collected in the first fifteen minutes of a storm event discharge.
- (B) "Composite sample" means a combination of at least three sample aliquots collected at periodic intervals during the first hour of a storm event discharge. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to either the effluent flow at the time of sampling or total effluent flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

### (4) Test Procedures

- (A) Test procedures for the analysis of pollutants shall conform with regulations published pursuant to Section 304(h) of the Act.
- (B) Unless otherwise noted in this

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general permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act. Application(s) for the use of alternative test methods shall be submitted according to 40 CFR Section 136.4.

- (C) The detection limit of the test methods used shall reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

- (D) Recording of Results

The permittee shall comply with section 14(c) of appendix A for each measurement or sample taken pursuant to the requirements of this general permit.

- (5) Quantity of Flow

The quantity of storm water discharged with supporting calculations.

- (b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.
- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect

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violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other life.)

### (c) Storm Event Information

The following information shall be collected for the storm event monitored:

- (1) The date, duration (in hours), and starting and ending times of the storm event and
- (2) The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch) rainfall.

### 8. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 9. Reporting Requirements

- (a) In case of conflict between the conditions stated here and those specified in the standard general permit conditions, as stated in appendix A of chapter 11-55, the more stringent conditions shall apply.
- (b) Reporting of Monitoring Results

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- (1) Monitoring results shall be reported on a discharge monitoring report (DMR) form (EPA No. 3320-1). The results of all monitoring required by this general permit shall be submitted in a format which allows direct comparison with the limitations in Table 34.1 and other requirements of this general permit.
  - (2) Monitoring results shall be submitted at least annually and be postmarked no later than sixty days after the end of each monitoring year. The monitoring year shall start on the effective date of this general permit or other date specified by the director in written correspondence to the permittee.
  - (3) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (c) Additional Monitoring by the Permittee
- If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 7(a)(4)(B), the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. The increased frequency shall also be indicated.
- (d) Signed copies of monitoring and all other reports required by this general permit, shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division

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Clean Water Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

- (e) Reporting of Noncompliance, Unanticipated Bypass, or Upset
  - (1) The permittee or its duly authorized representative shall orally report any of the following:
    - (A) Violation of an effluent limitation specified in Table 34.1 or a basic water quality criterion specified in section 7;
    - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or
    - (C) Unanticipated bypass or upset, when the permittee or its duly authorized representative becomes aware of the circumstances.
  - (2) Oral reports shall be made by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
  - (3) A written report shall be provided within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include:
    - (A) A description of the noncompliance, unanticipated bypass, or upset and

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its cause;

- (B) The period of noncompliance, unanticipated bypass, or upset including exact dates and times;
- (C) If the noncompliance, unanticipated bypass, or upset has not been corrected, the anticipated time it is expected to continue; and
- (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

### (f) Planned Changes

Any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) shall be reported to the director on a quarterly basis.

## 10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

## 11. Record Retention

All records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years or longer if requested by the director.

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### 12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.1

### EFFLUENT LIMITATIONS AND MINIMUM MONITORING REQUIREMENTS FOR STORM WATER DISCHARGES

Effluent Parameter	Effluent Limitation {1}	Minimum Monitoring Frequency	Type of Sample
Flow (MGD)	{2}	Annually	Calculated or Estimated
Biochemical Oxygen Demand (5-day) (mg/l)	{2}	Annually	Grab/Composite
Chemical Oxygen Demand (mg/l)	{2}	Annually	Grab/Composite
Total Suspended Solids (mg/l)	{2}	Annually	Grab/Composite
Total Phosphorus (mg/l)	{2}	Annually	Grab/Composite
Total Nitrogen (mg/l)	{2}	Annually	Grab/Composite
Nitrate+Nitrite Nitrogen (mg/l)	{2}	Annually	Grab/Composite
Oil and Grease (mg/l)	15	Annually	Grab
pH (standard units)	{3}	Annually	Grab
Toxic Pollutants {4}	{5}	Annually	{6}

MGD = million gallons per day  
mg/l = milligrams per liter

#### NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as

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required in section 9(e) of this general permit.

- {2} No limitation at this time. Only monitoring and reporting required.
- {3} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.
- {4} Toxic pollutants, as identified in Appendix D of the 40 CFR Part 122; in the Federal Register, Vol. 60, No. 189, pp. 50804-51319, dated September 29, 1995; or in section 11-54-04 need only be analyzed if they are identified as potential pollutants requiring monitoring in the storm water pollution control plan.
- {5} Effluent limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters. For pollutants which do not have established acute water quality standards, any detected concentration greater than 0.01 mg/l shall be reported.
- {6} Cyanide and the volatile fraction of the toxic organic compounds shall be sampled by grab sample. All other pollutants, as identified in Appendix D of the 40 CFR Part 122; in Federal Register Vol. 60, No. 189, pp. 50804-51319, dated September 29, 1995; or in section 11-54-04 shall be sampled by composite sample.

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### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers discharges composed entirely of storm water runoff associated with construction activity, including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area, which are not part of a larger common plan of development or sale.
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Storm water discharges to a sanitary sewer system;
    - (2) Storm water discharges that are regulated by existing individual permits;
    - (3) Storm water discharges in categories for which storm water effluent limitation guidelines have been promulgated by the EPA;
    - (4) Storm water discharges from a construction activity which initially enter separate storm water drainage

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systems, unless a permit, license, or equivalent written approval for the connection is granted by the owner(s) of the drainage system(s);

- (5) Storm water discharges for which the director has issued a notice of general permit coverage under another general permit specific to that type of construction or industrial activity; and
  - (6) Storm water discharges that the director finds more appropriately regulated under an individual permit.
- (d) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

### 2. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
  - (1) Five years after the effective date of this general permit;
  - (2) When the notice of general permit coverage specifies; or
  - (3) When amendments to section 11-55-34.02 are adopted,

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whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 3. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage (NGPC).
- (b) The following information shall be included in the NOI:
  - (1) Information required in section 34 of appendix A of chapter 11-55.
  - (2) A construction site best management practice (BMP) plan containing, at a minimum, the following information:
    - (A) A site characterization report which describes at a minimum, the history of the land use at the proposed construction site, the potential pollution source(s) in the history and from the operation of the proposed construction activity, the potential pollutant(s) present at the existing site, and any proposed corrective measures;
    - (B) A description of the nature of the construction activity, including a proposed timetable for major activities with the date when the contractor will begin the site disturbance;
    - (C) The total area of the site and the

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area of the site that is expected to undergo excavation or grading;

- (D) The quantity of storm water runoff, with supporting calculations;
- (E) A description of the nature of the fill material to be used and existing data describing the soil or the quality of any discharge from the site;
- (F) A site map showing, at a minimum, approximate slopes anticipated after major grading activities, areas of soil disturbance, areas of cut and fill, drainage patterns, areas used for the storage of soils or wastes, the location where stabilization practices are expected to occur, the location of all structural controls, the areas where vegetative practices are to be implemented, the location of impervious structures (including buildings, roads, parking lots, etc.) after construction is completed, wetlands and other state water(s), and the boundaries of 100-year flood plains, if determined;
- (G) Descriptions of construction management techniques, vegetation controls, and structural controls. At a minimum, the requirement listed in section 9 of this general permit must be addressed;
- (H) A brief description of County erosion and sediment control requirements as appropriate for the activity and a schedule for

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implementing each control;

- (I) A site-specific plan to minimize erosion of soil and discharge of other pollutants into state waters, including removal procedures for the construction site BMPs, shall be submitted to the director with the NOI or thirty days before the start of construction activities. The plan must be signed in accordance with section 11-55-34.08(e) and be kept at the construction site;
  - (J) Descriptions of measures that will minimize the discharge of pollutants via storm water discharges after construction operations have been finished. Examples include: open, vegetated swales and natural depressions; structures for storm water retention, detention, or recycle; velocity dissipation devices to be placed at the outfalls of detention structures or along with the length of outfall channels; and other appropriate measures; and
  - (K) The identification of all non-storm water sources that connect to the storm water drainage system and non-storm water pollution prevention measures that will be implemented during construction.
- (c) The director may require additional information to be submitted.
  - (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

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Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Implementation of the Construction Site Best Management Practice (BMP) Plan

- (a) The construction site BMP plan shall be designed, operated, implemented, and maintained by the permittee to insure that storm water discharges associated with construction activities will not cause applicable state water quality standards to be violated.
- (b) The permittee shall implement the construction site BMP plan as often as needed to improve the quality of effluent discharges or when instructed by the director.

### 6. Basic Water Quality Criteria and Inspections

- (a) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.
- (b) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and

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grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other life.)

### 7. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement new or revised BMPs as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 8. Reporting Requirements

The permittee shall immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of appendix A of chapter 11-55.

### 9. Special Conditions for Land Disturbances

The following special conditions apply to all land disturbance work conducted under this general permit:

#### (a) Construction Management Techniques

- (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
- (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
- (3) Construction shall be staged or phased for large projects. Areas of one phase shall be stabilized before another phase can be initiated. Stabilization shall

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be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.

- (4) Erosion and sediment control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the work day, but shall be replaced at the end of the work day.
  - (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within twenty-four hours after any rainfall of 0.5 inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
  - (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
  - (7) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site.
- (b) Vegetation Controls
- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than twenty calendar days prior to site disturbance.
  - (2) Temporary soil stabilization with appropriate vegetation shall be applied

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on areas that will remain unfinished for more than thirty calendar days.

- (3) Permanent soil stabilization with perennial vegetation shall be applied as soon as practical after final grading.

### (c) Structural Controls

- (1) Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion control measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- (3) Water must be discharged so that the discharge does not cause erosion.

### 10. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

### 11. Record Retention

All records and information resulting from the activities required by this general permit shall be retained for a minimum of three years or longer if requested by the director.

### 12. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF TREATED EFFLUENT FROM LEAKING UNDERGROUND STORAGE TANK REMEDIAL ACTIVITIES

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers only facilities where petroleum hydrocarbons have been released from underground storage tanks and the cleanup (or remedial action) involves a release or discharge of treated ground water to state waters.
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Discharges to a sanitary sewer system and
    - (2) Discharges which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval for the connection is granted by the owner(s) of the drainage system(s).
  - (d) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

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### 2. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
  - (1) Five years after the effective date of this general permit;
  - (2) When the notice of general permit coverage specifies; or
  - (3) When amendments to section 11-55-34.02 are adopted,whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 3. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage (NGPC).
- (b) The following information shall be included in the NOI:
  - (1) Information required in section 34 of appendix A of chapter 11-55.
  - (2) A list of up to four 4-digit Standard Industrial Classification (SIC) codes

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that best represent the principal products or activities of the facility;

- (3) The quantitative data on pollutants that the owner or operator of the facility knows or reasonably should know are or will be present in the discharge and for which pollutants numerical criteria for the existing or proposed receiving state waters are specified in section 11-54-04.
- (4) A treatment system operations plan which specifies the treatment system to be used and describes its operation in detail. If any treatment technology is being considered other than the Granular-Activated Carbon Process or the Air-Stripping Process, then additional technical information on the technology which is consistent with this permit shall be submitted to the director for review as soon as the decision for its use has been made. The plan shall include a contingency plan to be activated in the event of an emergency; provisions for system shut-down and any other measures for the protection of health and safety of employees and the public; a sampling plan; and a detailed schedule for sampling and analysis of the treated groundwater. The treatment system operations plan shall be modified as required by the director;
- (5) A certification report certifying the adequacy of each component of the proposed treatment facility along with the associated Treatment System Operations Plan. This report shall describe accepted engineering practice of how the process and physical design of the treatment facilities will ensure

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compliance with this general permit. The design engineer's signature and professional engineering license number shall be placed on the report. Each report shall also certify that:

- (A) All of the treatment facility's startup and operation instruction manuals are adequate and available to operating personnel;
  - (B) All treatment facility maintenance and testing schedules are included in the treatment facility Treatment System Operations Plan; and
  - (C) Effluent sampling locations and ports are located in areas where samples representative of the waste stream to be monitored can be obtained.
- (6) The average and maximum daily flow rates of effluent discharge; and
  - (7) The best estimate of the date(s) on which the facility will begin and terminate the discharge.
- (c) The director may require additional information to be submitted.
  - (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

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### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in Table 34.2. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

#### (1) Sampling Point

Effluent samples shall be taken at the nearest accessible point after final treatment and prior to actual discharge or mixing with the receiving state waters.

#### (2) Collection of Samples

Samples and measurements taken for the purposes of monitoring shall be representative of the volume and nature of the total discharge.

#### (3) Types of Samples

- (A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.
- (B) "Composite sample" means a combination of a least eight samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The

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composite must be flow proportional; either the time interval between each aliquot or the volume of each aliquot must be proportional to either the effluent flow at the time of sampling or total effluent flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

### (4) Test Procedures

(A) Test procedures for the analysis of pollutants shall conform with regulations published pursuant to Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act. Application(s) for the use of alternative test methods shall be submitted according to 40 CFR 136.4.

(C) The detection limit of the test methods used must reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

### (D) Recording of Results

The permittee shall comply with section 14(c) of appendix A for

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each measurement or sample taken pursuant to the requirements of this general permit.

### (b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.
- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other life.)

### (c) There shall be no visible oil sheen in the effluent.

- (d) The permittee shall take all reasonable steps to minimize or prevent any discharge, use, or disposal of sludge or sediments in violation of this general permit or applicable law. Sludge, sediments, or any other material generated by any treatment process must be disposed of in a manner which prevents its entrance into or pollution of any state waters. Additionally, the disposal of such sludge or other material shall be in compliance with 40 CFR Parts 501 and 503.

## 6. Whole Effluent Toxicity Limitations And Monitoring

## CHAPTER 11-55 APPENDIX D

### Requirements

#### (a) Monitoring Requirements

- (1) The permittee shall conduct, or have a contract laboratory conduct, static or flow-through acute bioassays on composite effluent samples according to the methods described in Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms (EPA 600/4-90/027F, August 1993).
- (2) Tests shall be conducted in one hundred per cent effluent for a period of ninety-six hours unless the methods specify a shorter period for a definitive test for a particular species (e.g. forty-eight hours for daphnia).
- (3) If static tests are used, the daily renewal solutions shall be fresh 24-hour composite samples, unless samples are shipped off-island to a contract laboratory in which case one 24-hour composite sample may be used for all renewals. Tests using locally available species may be conducted at ambient temperature.
- (4) Test results for each species used shall be reported on the permittee's monthly discharge monitoring report form. Results shall be reported as per cent survival with respect to controls.

#### (b) Species Selection and Whole Effluent Toxicity Limitation

The permittee shall select three species for monitoring from the EPA Methods manual referenced above, or from the following list

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of locally available species, and submit the selection to the director for approval within thirty days after the initial commencement of the discharge. The permittee must obtain approval in writing from the director before changing the three species after the initial notification. The monitoring shall be conducted at a minimum on one of the three selected species each month. The three selected species shall be rotated on a monthly basis.

<u>Species and Life Stage</u>	<u>Whole Effluent Toxicity Limitation</u>
(1) WATER FLEA (1-24 HOURS) <u>Ceriodaphnia dubia</u>	80% survival in 100% effluent
(2) SHRIMP (0-14 DAYS POST LARVAL) <u>Penaeus vannamei</u>	80% survival in 100% effluent
<u>Penaeus monodon</u>	80% survival in 100% effluent

Ceriodaphnia may be used in freshwater only. Penaeus vannamei may be acclimated for use in fresh, brackish, or marine water. Penaeus monodon may be used in brackish or marine water. If necessary, the salinity of a discharge may be adjusted using salts to allow testing with marine species.

### (c) Toxicity Reduction Evaluation

#### (1) Increase Monitoring and Reporting Requirements

If the permittee violates the whole effluent toxicity limitation, the permittee shall increase the monitoring frequency and reporting to once per week. The monitoring frequency and

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reporting shall remain at once per week until the permittee has complied with the whole effluent toxicity limitation six consecutive times.

### (2) Toxicity Reduction Evaluation Plan

If the permittee has two consecutive failures of the whole effluent toxicity limitation during the weekly sampling, or if requested by the director, the permittee shall submit, within forty-five days after the second failure or the request by the director, a plan and schedule for conducting a toxicity reduction evaluation. The toxicity reduction evaluation, when completed, shall determine the source of toxicity and how the permittee can comply with the whole effluent toxicity limitation, including an implementation schedule. After approval of the plan by the director, the permittee shall conduct the evaluation within the specified time frames. Upon completion of the toxicity reduction evaluation, the director may require the permittee to apply for and obtain an individual permit, as described in section 11-55-34.05, in order to incorporate appropriate permit conditions and compliance schedules.

### 7. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 8. Reporting Requirements

- (a) In case of conflict between the conditions stated here and those specified in the

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standard general permit conditions, as stated in appendix A of chapter 11-55, the more stringent conditions shall apply.

### (b) Reporting of Monitoring Results

- (1) Monitoring results shall be reported on a discharge monitoring report (DMR) form (EPA No. 3320-1). The results of all monitoring required by this general permit shall be submitted in a format which allows direct comparison with the limitations in Table 34.2 and other requirements of this general permit.
- (2) Monitoring results obtained during the previous calendar month shall be postmarked no later than the twenty-eighth day of the month following the completed reporting period.
- (3) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

### (c) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 5(a)(4)(B), the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. The increased frequency shall also be indicated.

- (d) Signed copies of monitoring and all other reports required by this general permit, shall be submitted to the director at the following address or as otherwise specified:

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Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

- (e) Reporting of Noncompliance, Unanticipated Bypass, or Upset
  - (1) The permittee or its duly authorized representative shall orally report any of the following:
    - (A) Violation of an effluent limitation specified in Table 34.2 or a basic water quality criterion specified in section 5;
    - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or
    - (C) Unanticipated bypass or upset, when the permittee or its duly authorized representative becomes aware of the circumstances.
  - (2) Oral reports shall be made by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
  - (3) A written report shall be provided within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include:

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- (A) A description of the noncompliance, unanticipated bypass, or upset and its cause;
  - (B) The period of noncompliance, unanticipated bypass, or upset including exact dates and times;
  - (C) If the noncompliance, unanticipated bypass, or upset has not been corrected, the anticipated time it is expected to continue; and
  - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- (f) Planned Changes
- Any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) shall be reported to the director on a quarterly basis.
- (g) Reporting of Chemical Uses
- The permittee shall submit to the director by January 28 of each year an annual summary of the quantities of all chemicals (including the material safety data sheet (MSDS)), listed by both chemical and trade names, which are used in ground water treatment and which are discharged.
- (h) Schedule of Maintenance

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The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

### 9. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

### 10. Record Retention

All records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years or longer if requested by the director.

### 11. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.2

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR  
DISCHARGE OF TREATED EFFLUENT FROM  
LEAKING UNDERGROUND STORAGE TANK REMEDIAL ACTIVITIES

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Flow (GPD)	{2}	{2}	Continuous	Calculated or Estimated
Total Petroleum Hydrocarbons as Gasoline (mg/l) {3}	{2}	{2}	Weekly	Grab
Total Petroleum Hydrocarbons as Diesel (mg/l) {3}	{2}	{2}	Weekly	Grab
Benzene (mg/l) {4}	1.7	1.8	Weekly	Grab
Toluene (mg/l) {4}	2.1	5.8	Weekly	Grab
Xylenes (mg/l) {4}	{2}	{2}	Weekly	Grab
Ethylbenzene (mg/l) {4}	0.14	11	Weekly	Grab
Lead (mg/l)	0.14	0.029	Weekly	Grab
Organic Lead (mg/l) {5}	{2}	{2}	Weekly	Grab
pH (standard units)	{6}		Weekly	Grab
Whole Effluent Toxicity	80% survival in 100% effluent {7}		Monthly	Composite

GPD = gallons per day

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mg/l = milligrams per liter

### NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 8(e) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting required.
- {3} EPA methods 5030/8015 shall be used for measurement of Total Petroleum Hydrocarbons as Gasoline and EPA methods 3550/8015 shall be used for measurement of Total Petroleum Hydrocarbons as Diesel.
- {4} EPA methods 5030/8015, or 5030/8020, or 5030/8240, or 602, or 624, shall be used for measurement of benzene, ethylbenzene, and toluene. EPA method 8240, or an equivalent method, shall be used for the measurement of xylenes.
- {5} The method for measuring for organic lead shall be the one referenced in the State of Hawaii's Technical Guidance Manual for Underground Storage Tank Closure and Release Response (September 1992).
- {6} The pH value shall not be less than 6.0 or higher than 9.0 standard units.
- {7} Whole Effluent Toxicity testing shall be performed in accordance with the provisions of section 6 of this general permit.

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### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF ONCE THROUGH COOLING WATER LESS THAN ONE (1) MILLION GALLONS PER DAY

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers only once through cooling water discharges of a total flow of less than one million gallons per day (mgd) to state waters. "Once through cooling water" means water passed through the main cooling condensers one or two times for the purpose of removing waste heat.
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Discharges to a sanitary sewer system and
    - (2) Discharges which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval for the connection is granted by the owner(s) of the drainage system(s).
  - (d) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

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### 2. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
  - (1) Five years after the effective date of this general permit;
  - (2) When the notice of general permit coverage specifies; or
  - (3) When amendments to section 11-55-34.02 are adopted,whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 3. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage (NGPC).
- (b) The following information shall be included in the NOI:
  - (1) Information required in section 34 of appendix A of chapter 11-55.
  - (2) A list of up to four 4-digit Standard Industrial Classification (SIC) codes

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that best represent the principal products or activities of the facility;

- (3) A description of the average frequency of flow and duration of any intermittent or seasonal discharge. The frequency of flow means the number of days or months per year when there is an intermittent discharge. Duration means the number of days or hours per discharge. Provide the best estimate for new discharges;
  - (4) The source(s) of the once-through cooling water;
  - (5) Quantitative data of the pollutant or parameter as specified in 40 CFR Part 122.21(h)(4)(i);
  - (6) The name of the cooling water additives, if any used;
  - (7) The best estimate of the date on which the facility will begin to discharge; and
  - (8) A brief description of any treatment system used or to be used.
- (c) The director may require additional information to be submitted.
  - (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

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### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in Table 34.3. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

#### (1) Sampling Points

Samples taken in compliance with the monitoring requirements shall be taken at the following point(s):

- (A) Influent samples shall be taken downstream from any additions to the source water and prior to the cooling system.
- (B) Effluent samples shall be taken downstream from the cooling system and prior to mixing with the receiving state waters.

#### (2) Collection of Samples

Samples and measurements taken for the purposes of monitoring shall be representative of the volume and nature of the total discharge.

#### (3) Types of Samples

- (A) "Grab sample" means an individual sample collected within the first

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fifteen minutes of a discharge.

- (B) "Composite sample" means a combination of a least eight samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to either the effluent flow at the time of sampling or total effluent flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

### (4) Test Procedures:

- (A) Test procedures for the analysis of pollutants shall conform with regulations published pursuant to Section 304(h) of the Act.
- (B) Unless otherwise noted in this general permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act. Application(s) for the use of alternative test methods shall be submitted according to 40 CFR 136.4.
- (C) The detection limit of the test methods used shall reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is

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"less than #," where the # is the lowest detection limit of the test method used.

### (D) Recording of Results

The permittee shall comply with section 14(c) of appendix A for each measurement or sample taken pursuant to the requirements of this general permit.

### (b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.
  - (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other life.)
- (c) The date, duration (in hours), starting and ending times, and volume of each discharge shall be collected for intermittent discharges.
- (d) There shall be no visible oil sheen in the effluent.

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- (e) There shall be no discharge of waste from the physical cleaning of the cooling system.
- (f) There should be no discharge of compounds used in closed-loop systems.

### 6. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 7. Reporting Requirements

- (a) In case of conflict between the conditions stated here and those specified in the standard general permit conditions, as stated in appendix A of chapter 11-55, the more stringent conditions shall apply.
- (b) Reporting of Monitoring Results
  - (1) Monitoring results shall be reported on a discharge monitoring report (DMR) form (EPA No. 3320-1). The results of all monitoring required by this general permit shall be submitted in a format which allows direct comparison with the limitations in Table 34.3 and other requirements of this general permit.
  - (2) Monitoring results obtained during the previous calendar month shall be postmarked no later than the twenty-eighth day of the month following the completed reporting period.
  - (3) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (c) Additional Monitoring by the Permittee

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If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 5(a)(4)(B), the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. The increased frequency shall also be indicated.

- (d) Signed copies of monitoring and all other reports required by this general permit, shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

- (e) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following:
  - (A) Violation of an effluent limitation specified in Table 34.3 or a basic water quality criterion specified in section 5;
  - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment;  
or
  - (C) Unanticipated bypass or upset,  
when the permittee or its duly

## CHAPTER 11-55 APPENDIX E

authorized representative becomes aware of the circumstances.

- (2) Oral reports shall be made by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
  - (3) A written report shall be provided within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include:
    - (A) A description of the noncompliance, unanticipated bypass, or upset and its cause;
    - (B) The period of noncompliance, unanticipated bypass, or upset including exact dates and times;
    - (C) If the noncompliance, unanticipated bypass, or upset has not been corrected, the anticipated time it is expected to continue; and
    - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
  - (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- (f) Reporting of Chemical Uses

The permittee shall submit to the director by

## CHAPTER 11-55 APPENDIX E

January 28 of each year an annual summary of the quantities of all chemicals (including the material safety data sheet (MSDS)), listed by both chemical and trade names, which are used in once through cooling water treatment and which are discharged.

### (g) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities, which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

### 8. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

### 9. Record Retention

All records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years or longer if requested by the director.

### 10. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.3

EFFLUENT LIMITATION AND MONITORING REQUIREMENTS  
FOR DISCHARGE OF ONCE THROUGH COOLING WATER  
LESS THAN ONE (1) MILLION GALLONS PER DAY

Effluent Parameter	Effluent Limitation {1}	Minimum Monitoring Frequency	Type of Sample
Flow (MGD)	{2}	Continuous	Recorder/ Totalizer
Temperature (°C)	30	Once/Quarter	Grab
Total Residual Oxidants (mg/l) {3}	0.013{4} or 0.019{5}	Once/Quarter	Grab
Total Suspended Solids (mg/l)	5{6}	Once/Quarter	Grab {7}
Oil and Grease (mg/l)	15	Once/Quarter	Grab
pH (standard units)	{8}	Once/Quarter	Grab

MGD = million gallons per day

°C = degrees celcius

mg/l = milligrams per liter

### NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 7(e) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting required.
- {3} Total residual oxidants (TRO) is obtained using the amperometric titration method for total residual chlorine described in 40 CFR Part 136.

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- {4} Applicable to discharges that enter saline waters as per Chapter 11-54.
- {5} Applicable to discharges that enter fresh waters as per Chapter 11-54.
- {6} The total suspended solids limits are net increase restrictions of the effluent above that of the influent.
- {7} Both the influent and effluent shall be monitored concurrently.
- {8} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.

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### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF HYDROTESTING WATERS

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers facilities or activities which involve a release or discharge of hydrotesting waters to state waters. "Hydrotesting Waters" means water used to test the integrity of a tank or pipeline.
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Discharges to a sanitary sewer system and
    - (2) Discharges which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval for the connection is granted by the owner(s) of the drainage system(s).
  - (d) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in

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accordance with sections 11-55-34.05 and 11-55-34.10.

### 2. Term of General Permit

(a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.

(b) A notice of general permit coverage under this general permit expires:

(1) Five years after the effective date of this general permit;

(2) When the notice of general permit coverage specifies; or

(3) When amendments to section 11-55-34.02 are adopted,

whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 3. Notice of Intent (NOI) Requirements

(a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration of the applicable notice of general permit coverage (NGPC).

(b) The following information shall be included

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in the NOI:

- (1) Information required in section 34 of appendix A of chapter 11-55.
- (2) A brief description of the project including an overview of the hydrotesting activities; an estimated timetable for major construction activities; dates on which the hydrotesting activities are projected to occur; estimated average and maximum daily flow rates; and a list of pollutants that may be present in the hydrotesting effluent and an explanation of its origins;
- (3) A water quality analysis of the hydrotesting effluent including any toxic pollutants believed to be present in the hydrotesting effluent. For the hydrotesting of water or sewer lines, the water quality analysis for the source water may be substituted for the water quality analysis of the hydrotesting effluent;
- (4) A hydrotesting best management practices (BMP) plan to ensure that the hydrotesting effluent discharge will meet the conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters; and
- (5) A description of mitigative measures to be installed to prevent pollutants that may be present in the hydrotesting effluent from entering state waters.

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- (c) The director may require additional information to be submitted.
- (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Basic Water Quality Criteria and Inspections

- (a) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.
- (b) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other life.)

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### 6. Corrective Action

The permittee shall immediately stop, reduce, or modify construction, or implement new or revised BMPs as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 7. Reporting Requirements

The permittee shall immediately notify the director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in section 16 of appendix A of chapter 11-55.

### 8. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

### 9. Record Retention

All records and information resulting from the activities required by this general permit shall be retained for a minimum of three years or longer if requested by the director.

### 10. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY DEWATERING

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers discharges from the dewatering process of construction activities of any size upon compliance with the applicable general permit requirements.
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Construction dewatering effluent discharges to a sanitary sewer system;
    - (2) Storm water discharges associated with construction activities for which the director has issued a notice of general permit coverage under another general permit;
    - (3) Return flow or overflow from dredged material dewatering process that are regulated by the U.S. Army Corps of Engineers under Section 404 of the Act;
    - (4) Construction dewatering effluent discharges which initially enter separate storm water drainage systems, unless a permit, license or equivalent written approval for the connection is

## CHAPTER 11-55 APPENDIX G

granted by the owner(s) of the drainage system(s);

- (5) Construction dewatering effluent that is subject to the general permit specified in appendix D; and
  - (6) Construction dewatering effluent discharges that the director finds more appropriately regulated under an individual permit.
- (d) The director may require any permittee authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

### 2. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
  - (1) Five years after the effective date of this general permit;
  - (2) When the notice of general permit coverage specifies; or
  - (3) When amendments to section 11-55-34.02 are adopted,

whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

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### 3. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage (NGPC).
- (b) The following information shall be included in the NOI:
  - (1) Information required in section 34 of appendix A of chapter 11-55.
  - (2) The legal name, street address, telephone and fax numbers, and contact person(s) for the designer(s) of the dewatering or treatment facility(ies) or both.
  - (3) A site characterization report including the history of the land use at the proposed construction site and surrounding area, the potential pollution source(s) at the proposed construction site and surrounding area, the potential pollutant(s) present at the proposed construction site and surrounding area, any proposed corrective measures, and pollutants that may be in the discharge.
  - (4) A brief description of the project including the portion of the project involving construction dewatering, an estimated timetable for major activities (including the date when the contractor will begin site disturbance), the date when the contractor will begin the construction dewatering process, estimates of the quantity, rate, and frequency of the proposed discharges,

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and the time frame of the proposed discharges.

- (5) An analysis of the source water quality as specified by the director. The source water quality data may be collected from sites allowed by the director. The analysis shall:
  - (A) Include an explanation addressing the selection of the toxic pollutants provided and an evaluation of the source water quality data collected with respect to the applicable numeric criteria and numeric standards for the toxic pollutants specified under section 11-54-04,
  - (B) Be based on the history of the land use as reported in paragraph 3(b)(3) or as believed to be present in the discharge,
  - (C) Use test methods as specified in section 5(a)(4)(B), and
  - (D) Be submitted to the director with the NOI.
- (6) A dewatering plan designed to comply with the basic water quality criteria specified under chapter 11-54. The plan shall include the pumping devices to be used, their pumping capacity, and the number of devices to be used; treatment design; design concerns; calculations used in the treatment design; and proposed mitigative measures. The site-specific dewatering plan shall be submitted to the director with the NOI or thirty days before the start of construction dewatering activities.

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- (7) A dewatering best management practices (BMP) plan to insure that the dewatering effluent discharge will meet conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters. The dewatering BMP plan shall include:
  - (A) Schedule of activities,
  - (B) Prohibited practices,
  - (C) Operation and maintenance procedures to prevent or reduce the pollution of state waters, including:
    - (i) Responsible field person of the system, by title or name;
    - (ii) Operations plan;
    - (iii) Maintenance scheduling or action criteria;
    - (iv) Maintenance program;
    - (v) Sediment handling and disposal plan;
    - (vi) Monitoring and visual inspection program;
    - (vii) Cessation of discharge plan; and
    - (viii) Effluent control plan,
  - (D) Other management practices to prevent or reduce the pollution of state waters,

## CHAPTER 11-55 APPENDIX G

- (E) Treatment requirements, and
- (F) Practices to control project site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage or stockpiling area(s).

The site-specific dewatering BMP plan shall be submitted to the director with the NOI or thirty days before the start of construction dewatering activities.

- (8) For construction projects which are one acre or more, submit a county approved site-specific erosion control plan with the NOI or thirty days before the start of construction dewatering activities.
- (c) The director may require additional information to be submitted.
- (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in Table 34.4.

## CHAPTER 11-55 APPENDIX G

(Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

### (1) Sampling Point

Representative samples shall be collected at the end of the effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

### (2) Collection of Samples

Samples and measurements taken for the purposes of monitoring shall be representative of the volume and nature of the total discharge.

### (3) Types of Samples

(A) "Grab sample" means an individual sample collected within the first fifteen minutes of a discharge.

(B) "Composite sample" means a combination of a least eight samples aliquots, collected at periodic intervals during the operating hours of the facility over a 24-hour period. The composite shall be flow proportional; either the time interval between each aliquot or the volume of each aliquot shall be proportional to either the effluent flow at the time of sampling or total effluent flow since the collection of the previous aliquot. Aliquots may be collected manually or automatically.

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### (4) Test Procedures

(A) Test procedures for the analysis of pollutants shall conform with regulations published pursuant to Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act. Application(s) for the use of alternative test methods shall be submitted according to 40 CFR 136.4.

(C) The detection limit of the test methods used shall reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

### (D) Recording of Results

The permittee shall comply with section 14(c) of appendix A for each measurement or sample taken pursuant to the requirements of this general permit.

### (b) Basic Water Quality Criteria and Inspections

(1) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.

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- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other life.)

### 6. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 7. Reporting Requirements

- (a) In case of conflict between the conditions stated here and those specified in the standard general permit conditions, as stated in appendix A of chapter 11-55, the more stringent conditions shall apply.
- (b) Reporting of Monitoring Results
  - (1) Monitoring results shall be reported on a discharge monitoring report (DMR) form (EPA No. 3320-1). The results of all monitoring required by this general permit shall be submitted in a format which allows direct comparison with the limitations in Table 34.4 and other requirements of this general permit.
  - (2) Monitoring results obtained during the

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previous calendar month shall be postmarked no later than the twenty-eighth day of the month following the completed reporting period.

- (3) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

(c) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 5(a)(4)(B), the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. The increased frequency shall also be indicated.

- (d) Signed copies of monitoring and all other reports required by this general permit, shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

- (e) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following:

- (A) Violation of an effluent limitation specified in Table 34.4 or a basic

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water quality criterion specified in section 5;

(B) Discharge or noncompliance with effluent limitations which may endanger health or the environment; or

(C) Unanticipated bypass or upset,

when the permittee or its duly authorized representative becomes aware of the circumstances.

(2) Oral reports shall be made by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.

(3) A written report shall be provided within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include:

(A) A description of the noncompliance, unanticipated bypass, or upset and its cause;

(B) The period of noncompliance, unanticipated bypass, or upset including exact dates and times;

(C) If the noncompliance, unanticipated bypass, or upset has not been corrected, the anticipated time it is expected to continue; and

(D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence

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of the noncompliance, unanticipated bypass, or upset.

- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

### 8. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

### 9. Record Retention

All records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years or longer if requested by the director.

### 10. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.4

### EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR CONSTRUCTION DEWATERING DISCHARGES

Effluent Parameter	Effluent Limitations {1}	Minimum Monitoring Frequency	Type of Sample
Flow (GPD)	{2}	{3}	Calculated or Estimated
Total Suspended Solids (mg/l)	{2}	{4}	Grab
Turbidity (NTU)	{2}	{4}	Grab
Oil and Grease (mg/l)	15	{4}	Grab
pH (standard units)	{5}	{4}	Grab
Toxic Pollutants {6}	{7}	{4}	{8}

GPD = gallons per day

mg/l = milligrams per liter

NTU = nephelometric turbidity units

#### NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 7(e) of this general permit.
- {2} No limitation at this time. Only monitoring and reporting required.
- {3} For intermittent discharges, flow measurement shall be taken once for each discharge for the duration of the discharge. For continuous discharge, continuous flow measurement is required.

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- {4} For intermittent discharges, the sample shall be taken once for each discharge. For continuous discharge, the sample shall be taken at least once per week.
- {5} The pH value shall not be outside the range as specified in chapter 11-54 for the applicable classification of the receiving state waters.
- {6} Toxic pollutants identified in the NOI need to be sampled and analyzed, as applicable. For dewatering processes involving only the treated storm water discharges, only those potential pollutants identified in the site characterization report need to be monitored.
- {7} Effluent limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters. For pollutants which do not have established acute water quality standards, any detected concentration greater than 0.01 mg/l shall be reported.
- {8} Cyanide, temperature, bacterial counts, and the volatile fraction of the toxic organic compounds shall be sampled by grab sample. All other pollutants as identified in Appendix D of the 40 CFR Part 122, shall be sampled by composite sample.

## CHAPTER 11-55 APPENDIX H

### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF TREATED EFFLUENT FROM PETROLEUM BULK STATIONS AND TERMINALS

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers only discharges of treated process wastewater effluent from petroleum bulk stations and terminals upon compliance with the applicable general permit requirements. Treated process wastewater effluent covered by this general permit includes tank water draws; product displacement process wastewater; wash down and fire hydrant system test waters; service station tank draws; recovered groundwater; and contaminated storm water runoff from the product storage and handling areas.
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Discharges to a sanitary sewer system and
    - (2) Discharges which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval for the connection is granted by the owner(s) of the drainage system(s).
  - (d) The director may require any permittee

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authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

### 2. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
  - (1) Five years after the effective date of this general permit;
  - (2) When the notice of general permit coverage specifies; or
  - (3) When amendments to section 11-55-34.02 are adopted,

whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 3. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage (NGPC).
- (b) The following information shall be included in the NOI:

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- (1) Information required in section 34 of appendix A of chapter 11-55.
- (2) A list of up to four 4-digit Standard Industrial Classification (SIC) codes that best represent the principal products or activities of the facility;
- (3) A brief description of the nature of business conducted at the facility;
- (4) A description of the following for each outfall:
  - (A) All operations contributing wastewater and contaminated storm water runoff to the effluent;
  - (B) The average flow contributed by each operation and contaminated storm water runoff;
  - (C) The treatment received by the wastewater and contaminated storm water runoff; and
  - (D) The average and maximum daily flow rates of the effluent discharge.
- (5) The quantitative data on pollutants that the owner or operator of the facility knows or reasonably should know are or will be present in the discharge and for which the pollutants numerical criteria for the existing or proposed receiving state waters are specified in chapter 11-54, especially section 11-54-04.
- (6) The name, street address, and phone and fax numbers of each contract laboratory or consulting firm that performed any of the analyses in accordance with section 3(b)(5), as applicable. This

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information shall be submitted with the NOI or thirty days before the start of discharge(s).

- (7) A treatment system operations plan which specifies the treatment system to be used and describes its operation in detail. The plan shall include a sampling plan and a detailed schedule for sampling and analysis of the effluent. The treatment system operations plan shall be modified by the permittee as required by the director.
- (c) The director may require additional information to be submitted.
- (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Effluent Limitations and Monitoring Requirements

- (a) The effluent shall be limited and monitored by the permittee as specified in Table 34.5. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

## CHAPTER 11-55 APPENDIX H

### (1) Sampling Points

Representative samples shall be collected at the end of effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

### (2) Collection of samples

Samples and measurements taken for the purposes of monitoring shall be representative of the volume and nature of the total discharge.

### (3) Type of Sample

"Grab Sample" means an individual sample collected within the first fifteen minutes of a discharge.

### (4) Test Procedures

(A) Test procedures for the analysis of pollutants shall conform with regulations published pursuant to Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act. Application(s) for the use of alternative test methods shall be submitted according to 40 CFR 136.4.

(C) The detection limit of the test methods used shall reflect the applicable numerical limitations as specified in chapter 11-54. If the

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test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

### (D) Recording of Results

The permittee shall comply with section 14(c) of appendix A for each measurement or sample taken pursuant to the requirements of this general permit.

### (b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.
  - (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other life.)
- (c) The date, duration (in hours), starting and ending times, and volume of each discharge shall be collected for each batch discharge.
- (d) There shall be no discharge of floating solids or visible foam.

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- (e) There shall be no visible oil sheen in the effluent.

### 6. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 7. Reporting Requirements

- (a) In case of conflict between the conditions stated here and those specified in the standard general permit conditions, as stated in appendix A of chapter 11-55, the more stringent conditions shall apply.

#### (b) Reporting of Monitoring Results

- (1) Monitoring results shall be reported on a discharge monitoring report (DMR) form (EPA No. 3320-1). The results of all monitoring required by this general permit shall be submitted in a format which allows direct comparison with the limitations in Table 34.5 and other requirements of this general permit.
- (2) Monitoring results obtained during the previous calendar month shall be postmarked no later than the twenty-eighth day of the month following the completed reporting period.
- (3) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.

#### (c) Additional Monitoring by the Permittee

If the permittee monitors any pollutant at location(s) designated herein more frequently

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than required by this general permit, using approved analytical methods as specified in section 5(a)(4)(B), the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. The increased frequency shall also be indicated.

- (d) Signed copies of monitoring and all other reports required by this general permit, shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

- (e) Reporting of Noncompliance, Unanticipated Bypass, or Upset

- (1) The permittee or its duly authorized representative shall orally report any of the following:
  - (A) Violation of an effluent limitation specified in Table 34.5 or a basic water quality criterion specified in section 5;
  - (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment;  
or
  - (C) Unanticipated bypass or upset,  
  
when the permittee or its duly authorized representative becomes aware of the circumstances.

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- (2) Oral reports shall be made by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
  - (3) A written report shall be provided within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include:
    - (A) A description of the noncompliance, unanticipated bypass, or upset and its cause;
    - (B) The period of noncompliance, unanticipated bypass, or upset including exact dates and times;
    - (C) If the noncompliance, unanticipated bypass, or upset has not been corrected, the anticipated time it is expected to continue; and
    - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.
  - (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- (f) Planned Changes

Any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) shall be reported to the director on a quarterly

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basis.

### (g) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

### 8. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

### 9. Record Retention

All records and information resulting from the monitoring activities required by this general permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years or longer if requested by the director.

### 10. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.5

## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES OF TREATED EFFLUENT FROM PETROLEUM BULK STATIONS AND TERMINALS

Effluent Parameter	Effluent Limitations {1}		Monitoring Requirements {2}	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Flow (GPD)	{3}	{3}	Once/Batch Discharge	Calculated or Estimated
Oil and Grease (mg/l)	15	15	Once/Batch Discharge	Grab
Lead (mg/l)	0.14 {4}	0.029 {4}	Once/Batch Discharge	Grab
Benzene (mg/l) {5}	1.7	1.8	Once/Batch Discharge	Grab
Toluene (mg/l) {5}	2.1	5.8	Once/Batch Discharge	Grab
Xylenes (mg/l) {5}	{3}	{3}	Once/Batch Discharge	Grab
Ethyl benzene (mg/l) {5}	0.14	11	Once/Batch Discharge	Grab
Turbidity (NTU)	{6}	{6}	Once/Batch Discharge	Grab
Ammonia Nitrogen (NH <sub>4</sub> -N/l)	{6}	{6}	Once/Batch Discharge	Grab
pH (standard units) {7}	{6}	{6}	Once/Batch Discharge	Grab
Dissolved Oxygen (%saturation)	{6}	{6}	Once/Batch Discharge	Grab

GPD = gallons per day

mg/l = milligrams per liter

NTU = nephelometric turbidity units

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### NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 7(e) of this general permit.
- {2} No monitoring of storm water discharge is required if the associated storm event occurs less than 72 hours from a previous storm event or provided that the preceding storm event generates storm water which is discharged and monitored for all effluent characteristics specified in accordance with Table 34.5 or both.
- {3} No limitation at this time. Only monitoring and reporting required.
- {4} Values refer to dissolved fraction.
- {5} EPA methods 5030/8015, or 5030/8020, or 5030/8240, or 602, or 624, shall be used for measurement of benzene, ethyl benzene, and toluene. EPA method 8240, or an equivalent method approved by the director, shall be used for the measurement of xylenes.
- {6} Effluent limitations are the specific criteria established in section 11-54-05 and 11-54-06 for the classification of the receiving state waters, as applicable. For pollutants which do not have established specific criteria, any detected concentration greater than 0.01 mg/l shall be reported.
- {7} The permittee may determine compliance for pH by either monitoring the effluent or the receiving state water. Receiving state water monitoring shall be performed at a minimum of two stations. One sample station shall be monitored at the point

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where the discharge initially mixes with the receiving state water. One control station shall be monitored at a point where impacts from the discharge would not be expected. The monitoring specification shall be set forth in a monitoring program as approved by the director.

It shall be a violation of this general permit if the monitoring results are in noncompliance with the effluent discharge limitation. However, if the permittee can prove that the discharge is not causing any impairment of the receiving state water's pH, then the exceedance(s) will not be considered a violation of this general permit. In order to substantiate such a claim, the permittee shall submit data from the control station which has been approved by the director with the discharge monitoring report forms.

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### NPDES GENERAL PERMIT AUTHORIZING DISCHARGES OF TREATED EFFLUENT FROM WELL DRILLING ACTIVITIES

October 1997

1. Coverage under this General Permit
  - (a) This general permit covers only discharges of treated process wastewater effluent associated with well drilling activities upon compliance with the applicable general permit requirements. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters.
  - (b) This general permit covers all areas of the State except for discharges in or to state waters classified by the department as "class 1, inland waters," "class AA, marine waters," and areas restricted in accordance with the State's "No Discharge" policy in chapter 11-54 entitled "Water Quality Standards."
  - (c) This general permit does not cover the following:
    - (1) Discharges to a sanitary sewer system;
    - (2) Discharges which initially enter separate storm water drainage systems, unless a permit, license, or equivalent written approval for the connection is granted by the owner(s) of the drainage system(s); and
    - (3) Discharges of well pump testing wastewaters which are not associated with well drilling activities.
  - (d) The director may require any permittee

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authorized by this general permit to apply for and obtain an individual permit, in accordance with sections 11-55-34.05 and 11-55-34.10.

### 2. Term of General Permit

- (a) This general permit becomes effective when section 11-55-34.02 becomes effective ten days after filing with the office of the lieutenant governor. This general permit expires five years after the effective date or when amendments to section 11-55-34.02 are adopted, whichever is earlier.
- (b) A notice of general permit coverage under this general permit expires:
  - (1) Five years after the effective date of this general permit;
  - (2) When the notice of general permit coverage specifies; or
  - (3) When amendments to section 11-55-34.02 are adopted,

whichever is earlier, unless the notice of general permit coverage is administratively extended under section 11-55-34.09(d).

### 3. Notice of Intent (NOI) Requirements

- (a) The owner or its duly authorized representative shall submit a complete NOI no later than thirty days before the proposed starting date of the discharge or thirty days before the expiration date of the applicable notice of general permit coverage (NGPC).
- (b) The following information shall be included in the NOI:

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- (1) Information required in section 34 of appendix A of chapter 11-55.
- (2) The legal name, street address, telephone and fax numbers, and contact person(s) for the designer(s) of the well drilling process wastewater treatment facility(ies).
- (3) A site characterization report which shall include:
  - (A) The history of the land use at the proposed drilling site,
  - (B) The potential pollution source(s) at the proposed drilling site,
  - (C) The potential pollutant(s) present at the proposed drilling site,
  - (D) Any proposed corrective measures, and
  - (E) Pollutants that may be in the effluent.
- (4) A brief description of the project, including:
  - (A) An estimated timetable of the drilling activities, including the date when the contractor will begin the well drilling process,
  - (B) Details of the proposed wastewater(s) discharge(s):
    - (i) Estimates of the quantity and frequency of the proposed discharge(s), and
    - (ii) The name(s) of the

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chemical(s) or material(s)  
listed by both chemical and  
trade names that is(are)  
present in the proposed  
wastewater(s) discharge(s).  
Also, provide the material  
safety data sheet (MSDS) for  
the chemical(s) or  
material(s).

- (C) The time frame of the proposed discharges.
- (5) The quantitative data on pollutants that the owner or operator of the activity knows or reasonably should know are or will be present in the discharge and for which pollutants numerical criteria for the receiving state waters are specified in section 11-54-04.
- (6) The name, street address, and phone and fax numbers of each contract laboratory or consulting firm that performed any of the analyses in accordance with section 3(b)(5), as applicable. This information shall be submitted with the NOI or thirty days before the start of well drilling activities.
- (7) A well drilling plan designed to comply with the basic water quality criteria specified under chapter 11-54. The plan shall include:
  - (A) The well drilling equipment to be used,
  - (B) Process wastewater effluent treatment design,
  - (C) Design concerns,

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(D) Calculations used in the treatment design, and

(E) Proposed mitigative measures.

The site-specific detailed well drilling plan shall be submitted to the director with the NOI or thirty days before the start of well drilling activities.

(8) A well drilling best management practices (BMP) plan to insure that the well drilling effluent discharge will meet conditions of this general permit, basic water quality criteria, and applicable specific water quality parameters. The well drilling BMP plan shall include:

(A) A schedule of activities,

(B) Prohibited practices,

(C) Operation and maintenance procedures to prevent or reduce the pollution of state waters, including:

(i) Responsible field person of the system, by title or name,

(ii) Operations plan,

(iii) Maintenance scheduling or action criteria,

(iv) Maintenance program,

(v) Effluent monitoring program (e.g. visual inspection),

(vi) Cessation of discharge plan,

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and

- (vii) Effluent control plan.
- (D) Other management practices to prevent or reduce the pollution of state waters,
- (E) Treatment requirements, and
- (F) Practices to control project site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage or stockpiling area(s).

The site-specific detailed well drilling BMP plan shall be submitted to the director with the NOI or thirty days before the start of well drilling activities.

- (c) The director may require additional information to be submitted.
- (d) The complete NOI shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, Hawaii 96801-3378

### 4. Standard Conditions

The permittee shall comply with the standard conditions as specified in appendix A of chapter 11-55.

### 5. Effluent Limitations and Monitoring Requirements

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- (a) The discharges shall be limited and monitored by the permittee as specified in Table 34.6. (Daily maximum effluent limitations for saline water apply only when discharges to saline water occur and daily maximum effluent limitations for fresh water apply only when discharges to fresh water occur.)

(1) Sampling Points

Representative samples shall be collected at the end of effluent discharge point(s) prior to entering the receiving state water or separate storm water drainage systems.

(2) Collection of Samples

Samples and measurements taken for the purposes of monitoring shall be representative of the volume and nature of the discharge effluent.

(3) Type of Sample

"Grab Sample" means an individual sample collected within the first fifteen minutes of a discharge.

(4) Test Procedures

(A) Test procedures for the analysis of pollutants shall conform with regulations published pursuant to Section 304(h) of the Act.

(B) Unless otherwise noted in this general permit, all pollutant parameters shall be determined according to methods prescribed in 40 CFR Part 136, promulgated pursuant to Section 304(h) of the Act. Application(s) for the use of

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alternative test methods shall be submitted according to 40 CFR 136.4.

- (C) The detection limit of the test methods used must shall reflect the applicable numerical limitations as specified in chapter 11-54. If the test result is not detectable, indicate that the test result is "less than #," where the # is the lowest detection limit of the test method used.

- (D) Recording of Results

The permittee shall comply with section 14(c) of appendix A for each measurement or sample taken pursuant to the requirements of this general permit.

### (b) Basic Water Quality Criteria and Inspections

- (1) The permittee shall not cause a violation of the basic water quality criteria as specified in section 1 of appendix A.
- (2) The permittee shall timely inspect the receiving state waters, effluent, and control measures and BMPs to detect violations of and conditions which may cause violations of the basic water quality criteria as specified in section 1 of Appendix A. (e.g. The permittee shall look at effluent and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce odor or off flavor in fish, and items that may be toxic or harmful to human or other

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life.)

- (c) There shall be no discharge of floating solids or visible foam.
- (d) There shall be no visible oil sheen in the effluent.
- (e) The permittee shall take all reasonable steps to minimize or prevent any discharge, use, or disposal of sludge or sediments in violation of this general permit or applicable law. Sludge, sediments, or any other material generated by any treatment process shall be disposed of in a manner which prevents its entrance into or pollution of any surface or subsurface waters. Additionally, the disposal of such sludge or other material shall be in compliance with 40 CFR Parts 501 and 503.

### 6. Corrective Action

The permittee shall immediately stop, reduce, or modify the discharge as needed to stop or prevent a violation of the basic water quality criteria as specified in section 1 of appendix A.

### 7. Reporting Requirements

- (a) In case of conflict between the conditions stated here and those specified in the standard general permit conditions, as stated in appendix A of chapter 11-55, the more stringent conditions shall apply.
- (b) Reporting of Monitoring Results
  - (1) Monitoring results shall be reported on a discharge monitoring report (DMR) form (EPA No. 3320-1). The results of all monitoring required by this general permit shall be submitted in a format

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which allows direct comparison with the limitations in Table 34.6 and other requirements of this general permit.

- (2) Monitoring results obtained during the previous calendar month shall be postmarked no later than the twenty-eighth day of the month following the completed reporting period.
  - (3) Should there be no discharges during the monitoring period, the discharge monitoring report form shall so state.
- (c) Additional Monitoring by the Permittee
- If the permittee monitors any pollutant at location(s) designated herein more frequently than required by this general permit, using approved analytical methods as specified in section 5(a)(4)(B), the results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. The increased frequency shall also be indicated.
- (d) Signed copies of monitoring and all other reports required by this general permit, shall be submitted to the director at the following address or as otherwise specified:

Director of Health  
State Department of Health  
Environmental Management Division  
Clean Water Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

- (e) Reporting of Noncompliance, Unanticipated Bypass, or Upset
- (1) The permittee or its duly authorized

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representative shall orally report any of the following:

- (A) Violation of an effluent limitation specified in Table 34.6 or a basic water quality criterion specified in section 5;
- (B) Discharge or noncompliance with effluent limitations which may endanger health or the environment;  
or
- (C) Unanticipated bypass or upset,

when the permittee or its duly authorized representative becomes aware of the circumstances.

- (2) Oral reports shall be made by telephone to the Clean Water Branch at (808) 586-4309 during regular office hours or the Hawaii State Hospital Operator at (808) 247-2191 outside of regular office hours.
- (3) A written report shall be provided within five days of the time the permittee or its duly authorized representative becomes aware of the circumstances. The written report shall include:
  - (A) A description of the noncompliance, unanticipated bypass, or upset and its cause;
  - (B) The period of noncompliance, unanticipated bypass, or upset including exact dates and times;
  - (C) If the noncompliance, unanticipated bypass, or upset has not been

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corrected, the anticipated time it is expected to continue; and

- (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance, unanticipated bypass, or upset.

- (4) The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.

### (f) Planned Changes

Any planned physical alterations or additions to the permitted facility, not covered by 40 CFR §122.41(l)(1)(i), (ii), and (iii) shall be reported to the director on a quarterly basis.

### (g) Schedule of Maintenance

The permittee shall submit a schedule for approval by the director at least fourteen days prior to any maintenance of facilities which might result in exceedance of effluent limitations. The schedule shall include a description of the maintenance and its reason; the period of maintenance, including exact dates and times; and steps taken or planned to reduce, eliminate, and prevent occurrence of noncompliance.

## 8. Additional Conditions

The director may impose additional conditions under section 11-55-34.09(b).

## 9. Record Retention

All records and information resulting from the monitoring activities required by this general

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permit including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three years or longer if requested by the director.

### 10. Falsifying Report

Knowingly making any false statement on any report required by this general permit may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in section 342D-35, HRS.

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TABLE 34.6

## EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGE OF TREATED EFFLUENT FROM WELL DRILLING ACTIVITIES

Effluent Parameters	Effluent Limitations {1}		Monitoring Requirements	
	For Saline Water	For Fresh Water	Minimum Frequency	Type of Sample
Flow (GPD)	{2}	{2}	Daily	Calculated or Estimated
Oil and Grease (mg/l)	15	15	{3}	Grab
Benzene (mg/l) {4}	1.7	1.8	{3}	Grab
Total Suspended Solids (mg/l)	{5}	{5}	{3}	Grab
Turbidity (NTU)	{5}	{5}	{3}	Grab
Ammonia Nitrogen (NH <sub>4</sub> -N/l) {6}	{5}	{5}	{3}	Grab
pH (standard units)	{5}	{5}	{3}	Grab
Toxic Pollutants {6}	{5}	{5}	{3}	Grab

GPD = gallons per day

mg/l = milligrams per liter

NTU = nephelometric turbidity units

### NOTES:

- {1} Pollutant concentration levels shall not exceed the effluent limits or be outside the ranges indicated in the table. Actual or measured levels

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which exceed those effluent limits or are outside those ranges shall be reported to the director as required in section 7(e) of this general permit.

- {2} No limitation at this time. Only monitoring and reporting required.
- {3} For intermittent discharges, the sample shall be taken once for each discharge. For continuous discharge a sample shall be taken at least once per week.
- {4} EPA methods 5030/8015, or 5030/8020, or 5030/8240, or 602, or 624, or 1624 shall be used for measurement of benzene.
- {5} Effluent limitations are the acute water quality standards established in section 11-54-04, for either fresh or saline waters and specific criteria established in section 11-54-05 and 11-54-06 for the classification of the receiving state waters, as applicable. For pollutants which do not have established acute water quality standards or specific criteria, any detected concentration greater than 0.01 mg/l shall be reported.
- {6} Applicable to treated process wastewater effluent present in the discharge.